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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,293	12/21/2001	Robert Palmquist	1011-001US01	8120

28863 7590 12/28/2004
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EXAMINER

EDOUARD, PATRICK NESTOR

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/026,293	PALMQUIST, ROBERT	
	Examiner	Art Unit	
	Patrick N. Edouard	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-12,16-22,26-29 and 31-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-12,16-22,26-29 and 31-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to communication filed 07/29/2004. Claims 1-4, 6-12, 16-22, 26-29, 31 and new claims 32-39 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4, 6-12, 16-22, 26-29, 31 and 32-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-4, 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chong (5,525,120) in view of Nguyen (5,797,089).

As per claim 1, Chong et al teach a method comprising (figures 1, 2 and 3):

Transmitting an image containing text into a first language over a network (his telecommunication A comprising fax modem, his printed page, his network and his interactive, col. 6, lines 6, lines 32-47); and

Receiving a translation of the text in a second language over the network (his machine translation 20, his output module 30, col.5, line 61 to col. 6, line 14).

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It is noted that Chong et al teach the claimed invention but does not explicitly teach establishing a wireless connection with a network and receiving the translation via the network. However, this feature is well known in the art as evidenced by Nguyen who teaches a personal communication terminal (PCT) that can operate as standard wireless telephone or in integrated mode for fax et the abstract and at col. 6, lines 1-15). Therefore, one having ordinary skill in the art at the time the invention was made would have found it to substitute the facsimile as taught Chong with the PCT as taught by Nguyen because it would provide a fax capable of transmitting and receiving wirelessly that could displayed both text and images.

As per claim 3, Chong et al teach further comprising displaying the image (col. 6, lines 32-55, his OCR- Nguyen figure 1)..

As per claim 4, Chong et al teach displaying the image and displaying the translation of the text in the second language simultaneously (col. 19, lines 15 to col. 20 lines 4)

As per claim 6, Chong et al teach wherein the first image containing first text, the method comprising

Transmitting a second image containing second text in the first language over the network ; (his telecommunication link A); and

Receiving translation of the first text and the second text in the second text over the network (his machine translation 20 and his output module 30).

As per claim 6, Chong et al teach transmitting the first image and the second image over a network in response to a single command from a user (col. 6, lines 31-55).

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As per claim 8, Chong et al teach displaying one of the translation of the first text and the translation of the second text in response to a command from a user (col. 19, lines 14-26).

As per claim 9, Chong et al teach compressing the image (col. 6, line 30-47).

As per claim 10, Chong et al teach receiving the image from an image capture device (col. 7, lines 4-20).

As per claim 11, Chong et al teach prompting a user to provide additional information comprising at least one of an account number, an identification of the first language, an identification of the second language, a dictionary and a server location (. col. 6, line 56 to col. 7, lines 3, col. 7, line 32 to col. 8, line 3)

As per claim 12, Chong et al teach one of a wireless telecommunication network, a cellular telephone network... and the Internet (figure 1).

5. Claims 1, 3-4 and 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamauchi et al (5,701,497) in view of Nguyen (5,797,089)

As per claim 1, Yamauchi et al teach a method comprising (figure 1):

Transmitting an image containing text into a first language over a network (his sheet in and his scanner 1)

Receiving a translation of the text in a second language over the network (his translate 9 and bitmap exp 10).

As per claim 3, Yamauchi et al teach further comprising displaying the image(his scanner 1)

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As per claim 4, Yamauchi et al teach displaying the image and displaying the translation of the text in the second language simultaneously (his plotter 11, col. 4, lines 45-52)

As per claim 5, Yamauchi et al teach establishing a wireless connection with the network (his telecommunication apparatus, figure 1)).

As per claim 6, Yamauchi et al teach wherein the first image containing first text, the method comprising

Transmitting a second image containing second text in the first language over the network ; (his scanner 1); and

Receiving translation of the first text and the second text in the second text over the network (his translate 9, his bit map 10 and his plotter 11).

As per claim 6, Yamauchi et al teach transmitting the first image and the second image over a network in response to a single command from a user (col. 4, lines 45-52).

As per claim 8, Yamauchi et al teach displaying one of the translation of the first text and the translation of the second text in response to a command from a user (his plotter 11, col. 4, lines 36-45).

As per claim 9, Yamauchi et al teach compressing the image (his encoder 2).

As per claim 10, Yamauchi et al teach receiving the image from an image capture device (his sheet in and his scanner 1).

As per claim 11, Yamauchi et al teach prompting a user to provide additional information comprising at least one of an account number, an identification of the first language, an identification of the second language, a dictionary and a server location (col. 2, lines 47-53).

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As per claim 12, Yamauchi et al teach one of a wireless telecommunication network, a cellular telephone network... and the Internet (figure 1).

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chong et al (5,535,120) in view of Nguyen (5,797,089).

It is noted that Chong et al teach the claimed invention but does not explicitly teach capturing the first image, receiving instructions to edit the image and editing the first image to generate the second image. However, capturing an image using for instance a camera, and editing the image are well known in the art as evidenced by Nguyen who teaches at col. 5, lines 45, the PCT could be used to edit text, graphics and image and at col. 6, lines 25-34. Therefore, one having ordinary skill in the art at the time the invention was made would have found it obvious to capture and edit the image as taught by Nguyen because it would provide an image that the recognizer is able to recognize with less degree of ambiguity and therefore would improve the translation process of the image .

7. Claims 16-22 and 26-28 and 31-39 are the same in scope and content as claims 1-12 above and therefore are rejected under the same rationale.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231 or faxed to:

(703) 308-9051, (for formal communications intended for entry) Or:

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(703) 305-9508 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 11, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Patrick N. Edouard whose telephone number is (703) 308-
6725. The examiner can normally be reached on Tuesday-Friday from 07:30 a.m.-6:00
p.m.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Marsha Banks-Harold, can be reached on (703) 305-4379.

The facsimile phone number for this Art Unit is (703) 305-9508. Alternatively, facsimile
messages may be sent directly to (703) 305-9644 where they will be stored in the
examiner's voice mailbox (telling the examiner that a fax was received) and be
automatically printed (i.e. - no delay by the examiner).

Any inquiry of a general nature or relating to the status of this application should
be directed to the Group receptionist whose telephone number is (703) 305-3900.

Patrick N. Edouard

December 20, 2004



PATRICK N. EDOUARD
PRIMARY EXAMINER